

ENVIRO - FILE (NEPA)

Docket Nos. 50-269, 50-270, 50-287
50-261, 50-325, 50-324

NOV 24 1971

Mr. H. T. Westcott
Chairman
State of North Carolina
Utilities Commission
Raleigh, North Carolina 27602

Dear Mr. Westcott:

This is in response to your letter to Chairman Schlesinger in which you express concern over the effect that the revised Atomic Energy Commission regulations for implementing the National Environmental Policy Act (NEPA) will have on power plants within your jurisdiction.

Duke Power Company and Carolina Power and Light Company have responded to the "show cause" requirements of Section E of Appendix D as revised (copy enclosed). We are reviewing their responses. One of the considerations in our review is the requirement for power and your comments in that regard will be taken into account. Our determination as to suspension in each case will be noticed in the Federal Register and an opportunity to be heard offered at that time.

With respect to the construction and operation of the plants which are of concern to you, the regulatory staff has been coordinating its reviews with other agencies, including the Federal Power Commission, and the FPC indicates that the Virginia-Carolinas Area is one of the critical sub-regions during the Summer of 1972. AEC Chairman Schlesinger's October 29, 1971, letter to FPC Chairman Nassikas (copy enclosed) provides our analysis of the situation and indicates that the completion of AEC staff NEPA review should not be the determining factor during this period. Currently H. B. Robinson Unit 2 is in operation, and the earliest projected date at this time for the issuance of an operating license for Oconee Unit 1 is March 1972. If the projected schedule holds, and no unusual difficulties are experienced, by the Winter of 1972-73 two nuclear power plants in the area (Oconee Unit 1 and Surry Unit 1) could, subject to favorable licensing decisions, be at full power and contribute to an adequate area reserve margin as defined by the FPC. The utility currently estimates that Oconee Unit 2 construction will be completed in December 1972. Consequently, this unit may not help meet the Winter 72-73 peak demands.

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LB

Mr. H. T. Westcott


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If there are any delays or other occurrences related to a specific plant that affect your interests, and if you wish to be heard, you should make your request at the time a notice of hearing concerning that plant is published in the Federal Register. Information concerning the publication of notices of hearing in AEC licensing proceedings is given in the Commission's Rules of Practice, 10 CFR Part 2, § 2.703, and, with respect to hearings in connection with the Section E "show cause" procedures, in Section E.4.(b) of Appendix D.

You will note in Section A, paragraphs 6 to 8 of the enclosed Appendix D to 10 CFR 50 that the Commission sends copies of the applicant's Environmental Report and the Commission's Draft Detailed Environmental Statement to various Federal agencies and State and local officials for comment. Our records reflect that a copy will be sent to the State of North Carolina Utilities Commission for comment. If you have any questions or comments on these procedures please let me know.

Sincerely,

Original Signed by
Chris L. Henderson

 L. Manning Muntzing
Director of Regulation

Enclosures:

1. Appendix D to 10 CFR Part 50
2. Ltr AEC to FPC, 10/29/71
3. 10 CFR Part 2

bcc: Chairman Schlesinger (2)
Commissioner Ramey
Commissioner Larson
Commission Johnson
Commissioner Doub
Secretariat (2)

OFFICE ▶	REP:ADEP	REP:DIR	OGC	DR		
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DATE ▶	11- -71	See attached yellow for previous concurrences				



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State of North Carolina
Utilities Commission
Raleigh 27602

DEPARTMENT OF ENGINEERING

October 11, 1971

Mr. James R. Schlesinger
Chairman
Atomic Energy Commission
Germantown, Maryland

Dear Mr. Schlesinger:

The North Carolina Utilities Commission is concerned with the effect that new Atomic Energy Commission policies and requirements may have on the generation capabilities of systems within its jurisdiction. More specifically, we are concerned about any anticipated rulings on Duke Power Company's Oconee units and Carolina Power & Light Company's H. B. Robinson Unit II and Brunswick Units I and II.

We are sure that you are aware of the tremendous strain which has been placed on the generation capacity of the electric utilities in the Southeast by the delays in planning, licensing and construction of nuclear generation facilities. We wish to make you aware of our interest in the effects of any requirements which may hinder the construction of the necessary generation facilities which are needed to provide adequate, economical and efficient service to the people of our State. Due to the tremendous lead times involved in construction of generation facilities of any type, such requirements could seriously affect the welfare of the people of the Southeast.

We are aware of the responsibilities which have been placed upon the Atomic Energy Commission by recent court rulings and, as a regulatory commission, can well appreciate the pressure which the Commission is under to initiate actions which will adequately protect the environment of our country and at the same time not adversely affect the welfare of our people.

This Commission is vitally interested in the welfare of the people of our State, not only in the area of ensuring sufficient power for their needs, but also assuring that needed generation facilities will not damage the environment which supports our life cycle. To meet these ends, we would encourage the continuance of construction now in progress, and the continued operation of existing units with the stipulation that any required changes in construction may be added as the needs are determined or that any necessary modification to existing units be backfitted.

DR-3816

Rec'd
Date 10/19/71
Time 4:30

Mr. James R. Schlesinger - 2 - October 11, 1971

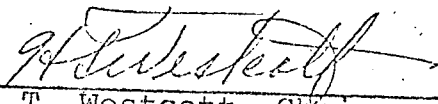
If your findings indicate or if it is your judgment that AEC's newly adopted rules and regulations will have a significant impact in terms of additional cost or in delays in placing the proposed units in service or in maintaining generation at an existing unit, we should appreciate your advising us as soon as possible. In the instance of any adverse effects including that of long delays, we request an opportunity to be heard on the matter.

Thank you for your consideration.

Sincerely,

NORTH CAROLINA UTILITIES COMMISSION

By:


H. T. Westcott, Chairman

cc: Mr. Shearon Harris
President
Carolina Power & Light Co.
336 Fayetteville Street
Raleigh, North Carolina 27602
Mr. Carl Horn
President
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28201